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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/024,588	12/18/2001	Andrew F. Fireman	2001-209	2506

23581 7590 11/06/2003  
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EXAMINER

CAMPBELL, KELLY E

ART UNIT PAPER NUMBER

3618

DATE MAILED: 11/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/024,588

Applicant(s)

FIREMAN ET AL.

Examiner

Kelly E Campbell

Art Unit

3618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 18 August 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 March 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

The amendment filed 8/18/03 is acknowledged.

### ***Drawings***

The corrected or substitute drawings were received on 3/12/03. These drawings are accepted.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by McKelvey (US 3,199,887).

McKelvey teaches a uniformly molded sled for use by a rider to glide upon a snow surface including a front portion (10) and a rear portion (11) the front portion (10) including a median portion (12) and first and second foot rudder cavities formed by the sidewall (15) and front sections (10), see Column 2, lines 43-50 and Figures 1 and 4; the foot sections (silent) for steering the sled, see Column 3, lines 17-21;

each foot section (silent) including a bottom wall (23a) having an upper surface (silent) adapted to receive the riders foot and a lower surface adapted to slide upon the snow, see Figure 4 and Column 34, lines 32-41;

the rear portion (11) including a seat portion (silent), see Column 3, lines 43-47; and having a bottom wall (23b) having a upper surface (silent) adapted to receive the rider and a lower surface adapted to slide upon the snow, see Figure 5;

the lower surface of the first and second foot portions (23a) and the lower surface of the seating portion (23b) being in substantially exclusive contact with the snow surface thereby providing a fast sled;; wherein the first and second foot rudder cavities (10,15) are connected to the median portion (12) to be flexible thereto, see Column 2, lines 23-27, 43-50 and Column 3, lines 17-21.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over McKelvey (US 3,199,887) as applied to claim 1 above, and further in view of Skillius (US D238,564).

McKelvey teaches all aspects of the claimed invention as discussed above for claim 1, except the sled including a plurality of first and second ribs extending from the median portion to the foot rudder cavities of the sled.

Skillius teaches a sled having a plurality of first ribs extending substantially from the median portion of the sled to a foot support portion and a plurality of second ribs extending from the median portion of the sled to a second foot support portion.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the sled having foot rudder cavities and a median portion as taught by McKelvey such that the sled includes ribs extending towards the foot rudder cavity as taught by Skillius in order to provide increased flexibility and traction for better control.

With regards to claim 3, "...wherein the first and second ribs are of one half-cylindrical shape"; it would have been an obvious matter of design choice to modify the shape of the ribs of the sled to be of half, cylindrical shape since it appears that the invention would perform equally well with ribs of a less cylindrical shape.

### ***Response to Arguments***

Applicant's arguments, see page 4, filed 08/18/03, with respect to claim 1 have been fully considered. However, upon reconsideration of amended claim 1, the examiner has determined that the McKelvey (3,199,887) reference provides all aspects of claim 1. The first and second foot sections of the sled, formed by the front ground

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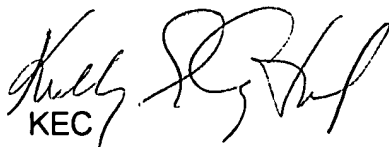
engaging section (10), the arched intermediate section (12) and the side walls (15), taught by McKelvey, allow for steering of the sled by the user's feet and are thus considered to be foot rudder cavities. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made as set forth above.

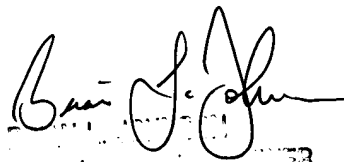
### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kelly E Campbell whose telephone number is (703) 605-4264. The examiner can normally be reached on 9:00-5:30 Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Johnson can be reached on (703) 308-0885. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9326 for regular communications and (703) 872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

  
KEC  
November 3, 2003

  
BRIAN JOHNSON  
11/3/03